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CIA HOMOSEXUALITY
BY TOM SEPPY

WASHINGTON (AP) -- THE CENTRAL INTELLIGENCE AGENCY ACTED IMPROPERLY WHEN IT FIRED AN EMPLOYEE WHO ADMITTED HE WAS A HOMOSEXUAL WITHOUT GIVING HIM AN EXPLANATION FOR THE DISMISSAL, A FEDERAL JUDGE RULED THURSDAY.

U.S. DISTRICT JUDGE BARRINGTON D. PARKER SAID ALTHOUGH SOME OF THE CIA'S PERSONNEL DECISIONS MUST REMAIN SECRET, THE SPY AGENCY DOES NOT HAVE UNLIMITED DISCRETION IN ITS HANDLING OF EMPLOYEES.

PARKER SAID DIRECTOR WILLIAM CASEY'S 1982 DECISION ''TO TERMINATE THE PLAINTIFF'S EMPLOYMENT WAS IMPROPER, UNREASONABLE, AN ABUSE OF DISCRETION AND BOTH PROCEDURALLY AND SUBSTANTIVELY FLAWED.''

PARKER ORDERED THE CIA TO REINSTATE THE PLAINTIFF, IDENTIFIED ONLY AS JOHN DOE IN THE LAWSUIT, TO AN ADMINISTRATIVE LEAVE STATUS WITHIN 30 DAYS. JOHN DOE IS TO REMAIN ON THE LEAVE UNTIL THE AGENCY GIVES HIM A HEARING SO HE CAN LEARN WHY HE WAS DISMISSED, THE JUDGE SAID.

MARK LYNCH OF THE AMERICAN CIVIL LIBERTIES UNION, WHO ARGUED DOE'S CASE, CALLED PARKER'S RULING ''A LANDMARK DECISION'' THAT ESTABLISHES, 394 U.S. 1845 58.3, THAT THE CIA HAS ''TO TREAT THEIR EMPLOYEES WITH THE BASIC NOTIONS OF ADMINISTRATIVE FAIRNESS.''

CATHY PHERSON, A CIA SPOKESWOMAN, SAID THE AGENCY WOULD NOT HAVE ANY IMMEDIATE COMMENT BECAUSE ITS LAWYERS AND THOSE OF THE JUSTICE DEPARTMENT HAD NOT REVIEWED THE DECISION.

IN JUNE 1973, JOHN DOE, THEN 17, WENT TO WORK FOR THE CIA AS A CLERK TYPIST. FOUR YEARS LATER, HE WAS PROMOTED TO AN ELECTRONICS TECHNICIAN POSITION. IN 1978, HE WAS SELECTED FOR PARTICIPATION IN THE SECRET AGENCY'S UPWARD MOBILITY PROGRAM AND ALSO HAD ACQUIRED A NON-PROBATIONARY EMPLOYEE STATUS.

DOE BECAME AWARE OF HIS HOMOSEXUALITY IN 1976, ACCORDING TO COURT PAPERS, AND HIS ORIENTATION WAS KNOWN TO HIS FAMILY AND IMMEDIATE FRIENDS. HIS HOMOSEXUALITY WAS NEVER PUBLICIZED AND HE NEVER MADE ADVANCES TOWARD FELLOW EMPLOYEES, THE DOCUMENTS SAID.

IN JANUARY 1982, DOE VOLUNTARILY INFORMED A CIA SECURITY OFFICER OF HIS HOMOSEXUALITY. TOLD HE WAS IN VIOLATION OF CIA REGULATIONS, HE WAS PLACED ON ADMINISTRATIVE LEAVE ON FEB. 2, 1982.

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